

UNITED STATES BANKRUPTCY COURT, WESTERN DISTRICT OF WISCONSIN

www.wiwb.uscourts.gov**CHAPTER 13 PLAN (Individual Adjustment of Debts)**

☐ Original Plan
☒ **1st** Amended Plan (Indicate 1st, 2nd, etc. Amended, if applicable)
☐ Modified Plan (Indicate 1st, 2nd, etc. Modified, if applicable)

DEBTOR: Scott Patrick Simmons JOINT DEBTOR: Teresa Lynn Simmons CASE NO.: 1-23-10440
 SS#: xxx-xx-8799 SS#: xxx-xx-4355

I. NOTICES

To Debtors: Plans that do not comply with local rules and judicial rulings may not be confirmable. All plans, amended plans and modified plans shall be served upon all creditors and a certificate of service filed with the Clerk pursuant to Local Rules 3015-1, 3015-2, and 3015-3.

To Creditors: Your rights may be affected by this plan. You must file a timely proof of claim in order to be paid. Your claim may be reduced, modified or eliminated.

To All Parties: The plan contains no nonstandard provisions other than those set out in paragraph VIII. Debtor(s) must check one box on each line listed below in this section to state whether the plan includes any of the following:

The valuation of a secured claim, set out in Section III, which may result in a partial payment or no payment at all to the secured creditor	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included
Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section III	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included
Nonstandard provisions, set out in Section VIII	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included

TO ALL PARTIES:

Unless otherwise provided for in this plan, the Trustee shall disburse payments in the following order: administrative expenses including trustee and attorney fees, secured claims, priority claims, general unsecured claims.

II. PLAN PAYMENTS, LENGTH OF PLAN AND DEBTOR(S)' ATTORNEY'S FEE

A. MONTHLY PLAN PAYMENT: This Plan pays for the benefit of the creditors the amounts listed below, including trustee's fees beginning 30 days from the filing/conversion date. Debtor(s) will make payments by employer wage order, unless otherwise specified herein. The payments must be made for the Applicable Commitment Period, either 36 or 60 months, or for a shorter period that is sufficient to pay allowed nonpriority unsecured claims in full.

1. \$ 880 for 52 months;

2. Federal tax refunds in excess of \$3500 starting in 2024 with 2023 tax returns

The total amount of estimated payments to the trustee: **\$45,760.00**

B. DEBTOR(S)' ATTORNEY'S FEE: ☐ NONE ☐ PRO BONO

Total Fees: <u>\$4,000.00</u>	Total Paid: <u>\$1,000.00</u>	Balance Due: <u>\$3,000.00</u>
Payable <u>Upon confirmation of Plan</u>	<u> </u> to <u> </u>)	

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III. TREATMENT OF SECURED CLAIMS

A. SECURED CLAIMS: ☐ NONE

[Retain Liens pursuant to 11 U.S.C. §1325(a)(5)] Mortgage(s)/Lien on Real or Personal Property:

1	Creditor: Leo and Lois Yrjanainen	Payoff on Petition Date	\$67,210.00
	Address: PO Box 115 Lake Nebagamon, WI 54849	Regular Payment (Direct by Debtors)	887.00 /month
Account No.: _____			
Other: _____			
<input checked="" type="checkbox"/> Real Property <input checked="" type="checkbox"/> Principal Residence <input type="checkbox"/> Other Real Property		Check one below for Real Property: <input type="checkbox"/> Escrow is included in the regular payments <input checked="" type="checkbox"/> The debtor(s) will pay <input checked="" type="checkbox"/> taxes <input checked="" type="checkbox"/> insurance directly	
Address of Collateral: 11426 East 3rd Street Lake Nebagamon, WI 54849			
<input type="checkbox"/> Personal Property/Vehicle Description of Collateral: _____			

2	Creditor: Douglas County Treasurer	Arrearage on Petition Date	\$4,556.00
	Address: 1313 Belknap St Room 102 Superior, WI 54880	Payment	Post-Confirmation payments pro rata plus 12% interest by Trustee's office
Account No.: _____		Account No:	1460118000
Other: _____			
<input checked="" type="checkbox"/> Real Property <input checked="" type="checkbox"/> Principal Residence <input type="checkbox"/> Other Real Property		Check one below for Real Property: <input type="checkbox"/> Escrow is included in the regular payments <input type="checkbox"/> The debtor(s) will pay <input type="checkbox"/> taxes <input type="checkbox"/> insurance directly	
Address of Collateral: 11426 East 3rd Street Lake Nebagamon, WI 54849 Douglas County			
<input type="checkbox"/> Personal Property/Vehicle Description of Collateral: _____			

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B. VALUATION OF COLLATERAL: ☐ NONE

IF YOU ARE A SECURED CREDITOR LISTED BELOW, THE PLAN SEEKS TO VALUE THE COLLATERAL SECURING YOUR CLAIM IN THE AMOUNT INDICATED, A SEPARATE MOTION WILL ALSO BE SERVED UPON YOU PURSUANT TO BR 7004 AND LR 3015-1.

1. REAL PROPERTY: ☒ NONE

2. VEHICLE(S): ☐ NONE

<p>1. Creditor <u>Ally</u> Address <u>c/o AIS Portfolio Services, LLC</u> <u>4515 N Santa Fe Ave</u> <u>Dept APS</u> <u>Oklahoma City, OK 73118</u></p> <p>Account No.: _____</p> <p>VIN: _____</p> <p>Description of Collateral: <u>2014 Ford F150 Super Cab XLT</u></p> <p>Check one below: <input checked="" type="checkbox"/> Claim incurred 910 days or more pre-petition <input type="checkbox"/> Claim incurred less than 910 days pre-petition</p>	<p>Value of Collateral: <u>\$18,416.00</u> Amount of Creditor's Lien: _____</p> <p>Interest Rate: <u>9.00%</u></p>	<p>Payment Payment by Trustee's Office: <u>Secured amount of \$18,416.00 plus interest at 9.00%</u></p> <p>Payment: <u>Pre-confirmation adequate protection payments of \$487.75/mo and equal monthly payments starting the first month after confirmation in the amount of \$458.27/mo until the secured claim plus interest is paid in full.</u></p>
<p>2. Creditor <u>OneMain</u> Address <u>ATTN Bankruptcy</u> <u>PO Box 3251</u> <u>Evansville, IN 47731</u></p> <p>Account No.: _____</p> <p>VIN: _____</p> <p>Description of Collateral: <u>2016 Ford Fusion</u></p> <p>Check one below: <input checked="" type="checkbox"/> Claim incurred 910 days or more pre-petition <input type="checkbox"/> Claim incurred less than 910 days pre-petition</p>	<p>Value of Collateral: <u>\$7,048.00</u> Amount of Creditor's Lien: _____</p> <p>Interest Rate: <u>9.00%</u></p>	<p>Payment Payment by Trustee's Office: <u>Post-Confirmation payments based on Value of Collateral: Pro Rata w/interest</u></p> <p>Adequate Protection Payment: <u>\$292.08</u></p>

3. PERSONAL PROPERTY: ☐ NONE

<p>1. Creditor: <u>Preferred Credit, Inc.</u> Address: <u>PO Box 1970</u> <u>Saint Cloud, MN</u> <u>56302-1970</u></p> <p>Account No.: <u>06</u></p> <p>Description of Collateral: <u>Rainbow Vacuum</u></p> <p>Check one below: <input type="checkbox"/> Claim incurred 1 year or more pre-petition <input type="checkbox"/> Claim incurred less than one year</p>	<p>Value of Collateral: <u>\$250.00</u> Amount of Creditor's Lien: <u>\$2,639.00</u></p> <p>Interest Rate: <u>9.00%</u></p>	<p>Payment Payment by Trustee's Office: <u>Post-Confirmation payments based on Value of Collateral: Pro Rata w/interest</u></p>
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pre-petition

C. LIEN AVOIDANCE ☒ NONE

D. SURRENDER OF COLLATERAL: Secured claims filed by any creditor granted stay relief in this section shall not receive a distribution from the Chapter 13 Trustee.

☒ NONE

☐ The debtor(s) elect to surrender to each secured creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the automatic stay be terminated in rem as to the debtor(s) and in rem and in personam as to any codebtor(s) as to these creditors.

☐ Other:

E. DIRECT PAYMENTS:

☐ NONE

☒ The debtor(s) elect to make current payments directly to each secured creditor listed below. Nothing herein is intended to terminate or abrogate the debtor(s)' state law contract rights.

	Name of Creditor	Account No.	Description of Collateral (Address, Vehicle, etc.)
1.	Leo and Lois Yrjanainen		11426 East 3rd Street, Lake Nebagamon, WI 54849
2.	Douglas Co Treasurer		Debtors will pay property taxes as they become due starting 2024 (for 2023)

IV. TREATMENT OF FEES AND PRIORITY CLAIMS [as defined in 11 U.S.C. §507 and 11 U.S.C. §1322(a)(4)]

A. ADMINISTRATIVE FEES OTHER THAN DEBTORS(S)' ATTORNEY'S FEE: ☐ NONE

Trustee Fee

B. PRIORITY TAX CLAIMS: ☒ NONE

C. DOMESTIC SUPPORT OBLIGATION(S): ☒ NONE ☐ CURRENT AND PAID OUTSIDE

D. OTHER: ☒ NONE

V. TREATMENT OF UNSECURED NONPRIORITY CREDITORS

A. Pay **Pro Rata w/no interest** /month

Pro rata dividend will be calculated by the Trustee upon review of filed claims after bar date.

B. ☐ If checked, the Debtor(s) will amend/modify to pay 100% to all allowed unsecured nonpriority claims.

C. SEPARATELY CLASSIFIED: ☒ NONE

VI. EXECUTORY CONTRACTS AND UNEXPIRED LEASES: Secured claims filed by any creditor/lessor granted stay relief in this section shall not receive a distribution from the Chapter 13 Trustee.

☒ NONE

VII. INCOME TAX RETURNS AND REFUNDS: ☐ NONE

Tax returns to be provide upon Trustee request.

Federal tax refunds in excess of \$3500 shall be turned over to the Trustee starting in 2024 with 2023 tax returns.

VIII. NON-STANDARD PLAN PROVISIONS: ☐ NONE

Wage garnishment for Plan payment shall be deducted from only Debtor's wages bi-weekly.

Ally shall retain the lien securing the 2014 Ford F150 Super Cab XLT until the earlier of the payment of the underlying debt determine under non-bankruptcy law or discharge under Section 1328

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PROPERTY OF THE ESTATE WILL VEST IN THE DEBTOR(S) UPON PLAN CONFIRMATION.

I declare that the foregoing chapter 13 plan is true and correct under penalty of perjury.

<u>/s/ Scott Patrick Simmons</u>	<u>Debtor</u>	<u>June 1, 2023</u>	<u>/s/ Teresa Lynn Simmons</u>	<u>Joint Debtor</u>	<u>June 1, 2023</u>
Scott Patrick Simmons		Date	Teresa Lynn Simmons		Date

<u>/s/ Peter C. Greenlee, Esq.</u>	<u>June 1, 2023</u>
Peter C. Greenlee, Esq. Bar No: 1054921	Date
Attorney with permission to sign on Debtor(s)' behalf	

By filing this document, the Attorney for Debtor(s) or Debtor(s), if not represented by counsel, certifies that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Local Form Chapter 13 Plan and the plan contains no nonstandard provisions other than those set out in paragraph VIII.